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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EDWIN SUAREZ, CARLOS RIVAS, ESTER JIRON, DRISS SENE, IMMANUEL THORNTON, and PAULA VILLEGAS, individually and on behalf of all others similarly situated;

No: 1:16-cv-5464 (GWG)

Plaintiffs,

-against-

ROSA MEXICANO BRANDS INC.; WEST 62 OPERATING LLC; ROSA MEXICANO USQ LLC; FENIX REST. INC.; ROSA MEXICANO MURRAY LLC; ROSA MEXICANO BOSTON, LLC; ROSA MEXICANO RIVERSIDE LLC; ROSA MEXICANO DC LLC; ROSA MEXICANO CHEVY CHASE MARYLAND LLC; ROSA MEXICANO NATIONAL HARBOR LLC; ROSA MEXICANO ATLANTA LLC; ROSA MEXICANO MIAMI LLC; and ROSA MEXICANO SOUTH BEACH LLC;

Defendants.

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement ("Motion for Final Approval") and in the Declaration of Brian S. Schaffer in Support of Plaintiffs' Motion for Final Approval (the "Schaffer Declaration"), Plaintiffs respectfully request the Court enter an Order:

- (1) granting final approval of the Joint Stipulation of Settlement and Release (“Settlement Agreement”), attached as **Exhibit A** to the Schaffer Declaration;
- (2) certifying the following settlement classes under Fed. R. Civ. P. 23(a) and (b)(3) for purposes of effectuating the settlement:

All persons who were employed as a server, server assistant, busser, runner, drink runner, coffee bar employee, cocktail server, bartender, service bartender and/or barback in any Rosa Mexicano restaurants in: 1) New York at any time during the time period from April 7, 2010 through and including May 17, 2017, or 2) in Massachusetts or Maryland at any time during the period from April 7, 2013 through and including May 17, 2017.

- (3) issuing final approval of the FLSA settlement;
- (4) approving services awards to Plaintiffs Edwin Suarez, Carlos Rivas, Ester Jiron, Driss Sene, Immanuel Thornton, and Paul Villegas as outlined in the Settlement Agreement;
- (5) awarding Class Counsel’s attorneys’ fees and costs as outlined in the Settlement Agreement;
- (6) approving Plaintiffs’ proposed final settlement procedure; and
- (7) granting such other, further, or different relief as the Court deems just and proper.

Plaintiffs have contemporaneously submitted a Proposed Order, attached as **Exhibit Q** to the Schaffer Declaration, for the Court’s convenience.

* * *

Dated: New York, New York
March 29, 2018

Respectfully submitted,

/s/ Brian S. Schaffer

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*Attorneys for Plaintiffs and
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